

ORDINANCE NO. 217

An Ordinance of the Borough of Patterson Heights, Beaver County, Pennsylvania, amending Ordinance No. 146 regulating zoning by providing for the Regulation of Cellular Communication Antennae, Towers and Structures.

The Borough Council of the Borough of Patterson Heights, Beaver County, Pennsylvania, hereby ordains as follows:

I. Section 302 entitled "Meaning of Words" is amended by adding thereto the following; to occur alphabetically and in numerical sequence.

Cellular Communication Antennae:

An outside antenna used for the transmission, radiating and/or receiving radio waves, voice and data communications, television signals, microwave signals, signals from satellites and similar signals.

II. Section 900 entitled "Supplemental Regulations: is amended by adding thereto the following:

Section 908:

Cellular Communication Antenna

Cellular communication antenna as defined in this Ordinance shall be permitted in all zoning districts as a Conditional Use; however, uses shall be authorized in Residential Districts only when it can be demonstrated, using technological evidence, that the antenna must go where it is proposed to satisfy its function in the operational grid system. Conditional Use applications may be authorized pursuant to the standards and criteria specified herewith:

1. Existing Structures

a. In order to reduce the number of antenna support structures needed in the community in the future, proposed support structures shall be required to accommodate other users, including other cellular communication companies, and local police, fire and ambulance companies.

b. A cell site with antenna that is attached to an existing communication tower, smoke stack, water tower, or other tall structure, is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing structure by more than fifteen (15) feet. If the antenna is to be mounted on an existing structure (and is within the fifteen (15) foot limit) it shall be authorized as a Use by Right and the applicant shall not be required to meet the standards and criteria contained in the following provisions of this Section of the Ordinance.

2. New Structures

a. If the cellular communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-quarter mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other cellular communications companies, other communications towers (fire, police, etc.), and other tall structures. The municipality may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

b. All other uses ancillary to the antenna and associated operational equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the cell site, unless otherwise permitted in the zoning district in which the cell site is located.

c. A cell site with antenna that is either not mounted on an existing structure, or is more than fifteen (15) feet higher than the structure on which it is mounted, is permitted in all zoning districts, but requires a Conditional Use approval in all districts.

### 3. Application Requirements for Conditional Use

The application for Conditional Use shall include a development and operational plan. The following information, and all other data deemed appropriate and necessary to demonstrate that the intent and purposes of this Ordinance will be achieved, shall be included.

a. A description of the character, timing and duration of the proposed construction, operation and use of the facility, including maps and plans showing the location of the site, all access routes from public roads, and the regional area to be influenced by the proposed activity and use.

b. A full site plan drawn to scale for all cell sites, showing the antenna, antenna support structure, building, fencing, municipality's Subdivision and Land Development Ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure. No building permits shall be issued until after final approval of the application and the final approval and recording of a Subdivision Site Plan.

c. Complete plans of the proposed tower and all auxiliary structures and support facilities. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

The Borough Council may require independent studies and reviews of all such assurances. These shall be prepared by qualified professionals acceptable to both the developer and the Governing Body. The cost of all such studies and reviews shall be borne by the applicant in cases where issues develop over the need for or the adequacy of, safety and compliance with this Ordinance.

d. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. Antenna support structures under 200 feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures 200 feet in height or taller, or those near airports, shall meet all Federal Aviation Administration regulations. No antenna support structure may be artificially lighted except when required by the FAA.

e. Setbacks from Base of antenna support structure. If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be as follows:

(1) Park And Industrial Districts

40% of antenna height

\*(2) Residential Districts

30% of antenna height

f. All buildings and structures on the site other than the antenna support structure and any guy wire anchors shall conform to the setback and dimensional requirements that apply to the zoning district in which the site is located.

g. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height. The entire fence shall be constructed in a manner to prevent the entry onto the portion of the premises on which the use is situated, by unauthorized persons, domestic animals or livestock.

h. All applicable parking, sign and other requirements of this Ordinance shall apply. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

i. The site, including all structures, shall be constructed and landscaped in a manner appropriate to the district in which it is located. Open areas shall be covered with an appropriate vegetative material and properly maintained.

\* Requirements may be relaxed if the cellular communications company can demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company's grid system.

Suitable landscape screening or buffers shall be developed, if deemed necessary by

the Governing Body, to minimize visibility of outside storage or ground level operational functions if said activities are readily visible from adjoining properties used for residential purposes. Where required, a screen or buffer shall have a height adequate to achieve its purpose.

Plant materials used for screening shall consist of dense evergreen plants. They shall be of a kind, or used in such a manner, so as to provide a continuous opaque screen within 124 months after commencement of operations in the area to be screened. The Governing Body shall require that either new planting or alternative screening be provided if, after 24 months, the plant materials do not provide an opaque screen.

The Governing Body may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.

j. When applicable, the applicant shall have obtained from each appropriate state and federal regulatory agency or authority, a permit issued in accordance with all applicable state and federal laws, directives and regulations for the proposed use.

**ENACTED AND ORDAINED** this 7<sup>th</sup> day of April, 1997.

ATTEST:

  
Secretary

**BOROUGH OF PATTERSON HEIGHTS**

  
President of Council

EXAMINED AND APPROVED this 7<sup>A</sup> day of April, 1997.

  
Mayor